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1/17/03**CHITTENDEN RESEARCH AND DEVELOPMENT, LLC**

P.O. Box 99 10600 Main Street Hinesburg, VT 05461-0099 USA Phone 802 482 3040 Fax 482 3490

January 3, 2003

Mr. James R. Brittain, Primary Examiner Art Unit 3677

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Via US Express Mail # EL016599785US

TECHNOLOGY CENTER R3700

Re: Application # 10/015087, filed 10/19/2001, Leonard Duffy

Dear Mr. Brittain:

Per your letter of 12/04/02 and our subsequent phone conversations, I hereby elect to proceed provisionally with claims 1-34,44-47 (Group I) as per your restriction.

However, I traverse your decision to restrict claims 35-43 (Group II), and respectfully request reconsideration based upon the following grounds.

In general terms, it is my contention that the article (Group I) and method (Group II) are integrally linked and further that the generic method of manufacturing (Claim 36) is applicable to the diverse manufacturing processes (Claims 35, 37-43).

- A. With regard to your assertion that "...the product as claimed can be made by another and materially different process such as providing a computer controlled rotating cutting tool, providing a block of material, and machining the block with a rotating cutting tool...":

1. As stated in paragraph 1 of page 9, primary objects of the present invention are to "...provide improved slidingly engaged fasteners which can be produced

inexpensively in large volume ... by a method of economically producing such SEFs of diverse moldable or malleable materials."

2. The specification describes embodiments of the article as being designed to be manufactured of moldable material (i.e. page 15, line 22) or of a malleable sheet material (i.e. page 16, line 15) by the claimed method.
3. Although production of embodiments of the invention by a rotary cutting tool (as discussed on page 4 line 12) may be possible with certain types of materials; such a method would be significantly more costly than production by the disclosed method because such rotary cutting tools are generally economical for prototype and relatively low volume production only.
4. Production by a rotary cutting machine is not compatible with many plastic or fibrous materials which are commonly molded, nor with sheet materials such as sheet metal or paper which are commonly die formed. Such a means of production would be limited only to materials with certain machineable characteristics. Such method would not be suitable for materials which tend to tear or those which may clog the tool. Various sheet goods or malleable materials such as sheet metals, paper goods, and other materials which, by definition, are not normally furnished in a machineable "block" form are generally not suitable for rotary tool production. Also, many materials are not generally machineable at the degree of precision required for the subject article.
5. Production by rotary cutting tool could result in products with significantly diminished strength and other characteristics in that machining of many materials can cause internal weakness due to stress and overheating which would not be present in a molded product.
6. Because, as discussed (paragraph 2, page 4), commonly used techniques for molding or forming other types of surface fasteners are generally not applicable to

production of many forms of Slidingly Engaged Fasteners due to the multiplicity of undercut surfaces, the claimed article and method are effectively enjoined in that the claimed method appears to be the most economical method which can be applied to a range of diverse materials.

Based upon the foregoing, I assert that the method of claims 35-43 is essential to the article of claims 1-34,44-47. I do not agree that in the instant case the product can be *economically* made in like quality of diverse materials by another materially different process in accordance with the objects of the invention. However, I recognize that if the claims of Group I are subsequently allowed it may be necessary to alter the language of Claims 35-43 in order to properly link method to article.

B. With regard to election of species within Group II, if such group is subsequently included upon reconsideration:

1. It has been my intent to disclose a generic method per Claims 35-36 which is generally applicable to the embodiments of the article of Group I as well as to indicate how such method may be adopted to several known means of production as in claims 37-43. Upon consideration of your comments, it appears that claim 36 (claiming a set of dies which can be adopted to various apparatus and production processes) should be considered as generic to the diverse species of production, and that claims 35, 37-43 also include the limitations of claim 36.
2. The generic method of claim 36 is schematically shown in Figs. 11-14A, and is described beginning on page 21, paragraph 3 through page 23 as a set of bypassing dies with a molding axis generally perpendicular to the plane of the product. Such molding axis may be coincident with the axis of a reciprocating apparatus as in Figs. 15-16; or it may be coincident with the aligned radii of a set of rotating dies as in Fig. 17; or it may be coincident with the radius of a rotating die and belt apparatus as in Fig. 18.

Therefore, regarding election of species, I contend that the method of claim 36 is generic to the diverse species of production, and that claims 35, 37-43 speak to additional species which include the limitations of 36. Again, I recognize that if claims 1-34, 44-47 are allowed and restriction is reconsidered on the basis of the foregoing, revision of the claims of Group II may be necessary. I look forward to your reconsideration of the issue of division before proposing such revision.

Thank you for your kind consideration.

Yours very truly,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal tail stroke extending to the right.

Leonard Duffy